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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-fifth session

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 4 August 1993, at 3 p.m.

Chairman: Mr. AL-KHASAWNEH

later: Mrs. FORERO UCROS

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GE.93-14462 (E)

The meeting was called to order at 3.10 p.m.

ELIMINATION OF RACIAL DISCRIMINATION (agenda item 5)

(a) MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION AND THE ROLE OF THE SUB-COMMISSION (continued)

(b) MONITORING THE TRANSITION TO DEMOCRACY IN SOUTH AFRICA (E/CN.4/Sub.2/1993/11 (continued)

1. Mr. MAXIM (Rapporteur), resuming the debate on the draft declaration on Bosnia and Herzegovina, said that he was ready to accept the draft text discussed at the previous meeting, the more so as the draft was based on his own proposal. He would like, however, to add a sentence reaffirming that the creation of any territorial entity on an ethnic or religious basis was contrary to the fundamental principles of international law.

2. Mr. BOSSUYT said that the draft declaration made a number of valuable points but was too long to be effective. He proposed a shorter version, the text of which he read out in English:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the repeated reaffirmations by the Security Council that any taking of territory by force or any practice of 'ethnic cleansing' is unlawful and unacceptable and will not be permitted to affect the outcome of the negotiations on constitutional arrangements for the Republic of Bosnia and Herzegovina, and its insistence that all displaced persons be enabled to return in peace to their homes,

Deeply disturbed by the fact that the draft constitutional agreement for what is there referred to as the 'Union of Republics of Bosnia and Herzegovina' constitutes a de facto partition of the independent Republic of Bosnia and Herzegovina on ethnic and religious grounds,

Appeals to the international community to

(a) Reject any partition which results from aggression, intervention and massive violations of human rights, in particular the abhorrent practice of 'ethnic cleansing' that has developed into 'religious cleansing',

(b) Deny the validity of any agreement sought to be obtained under extreme duress from the Government of the independent Republic of Bosnia and Herzegovina for purposes other than a cessation of hostilities paving the way for a subsequent achievement of a peaceful settlement based on the principles of the Charter of the United Nations, including respect for human rights and fundamental freedoms."

3. The CHAIRMAN noted that the Sub-Commission now had two texts before it, one from Mr. Eide and a second, shorter text, from Mr. Bossuyt. Mr. Maxim's amendment applied to the former text.

4. Mr. EIDE said that he had no objection to Mr. Bossuyt's draft, which covered all the essential points in the first draft. He believed, however, a clause should be added encouraging the Government of Bosnia and Herzegovina to resist the pressures to which it was subjected.

5. Mrs. ATTAH said that the Government of Bosnia and Herzegovina needed moral support not encouragement to resist. The international community should be encouraged to resist.

6. Mr. GUISSE, reverting to the amendment proposed by Mr. Joinet at the previous meeting concerning the international tribunal, said that the work of the international tribunal could not be subordinated to the situation in the Republic. It was too late to try to bring pressure to bear on the authorities to put an end to their manoeuvres. Violations had been committed, and the tribunal must meet.

7. Mr. HELLER, commenting on a question of form, asked whether the draft was really intended to be a declaration by the Chairman. In form it resembled a resolution in some respects. Mr. Eide's text went beyond the Sub-Commission's terms of reference whereas Mr. Bossuyt's remained within them. He accordingly preferred the latter text, and would welcome the incorporation of Mr. Maxim's highly pertinent amendment. Turning to substance, he said that the Sub-Commission should voice concern whenever human rights were violated, regardless of any negotiations. With regard to Mr. Joinet's proposal, the concept of a tribunal had its own dynamics and should not be introduced in the text under consideration.

8. The CHAIRMAN confirmed that the draft was intended to be a declaration by the Chairman.

9. Mr. CHERNICHENKO, referring to the vote proposed by Mrs. Warzazi at the previous meeting, said that he would be unable to support the first draft if it was put to a vote. The second text also contained points to which he objected. He was grateful to Mr. Eide and Mr. Bossuyt for their efforts, but he had too many reservations about the texts to be able to support them. In that connection he drew attention to the President of the Security Council's statement of 7 May 1993, that the Vance-Owen peace plan provided the basis for a peaceful solution and noted that the plan involved partition of the territory. A federation did not necessarily imply dismemberment. It could equally well mean union.

10. Mr. ALFONSO-MARTINEZ asked whether there were still two drafts before the Sub-Commission.

11. The CHAIRMAN said that the Sub-Commission was now considering Mr. Bossuyt's text.

12. Mr. JOINET remarked that he fully endorsed the second draft, which incorporated the main points of the first draft. In view of the urgency of the situation, he withdrew his amendment concerning the international tribunal.

13. Mr. TIAN JIN observed that in his remark the previous day on the situation in Bosnia and Herzegovina, he had stressed that the Sub-Commission ought to condemn serious violations of human rights. In the circumstances, he found the tenor of the first draft surprising and could not support it. He endorsed Mr. Heller's comments.

14. The CHAIRMAN called for comments on Mr. Maxim's amendment and suggested that it might be incorporated in the first preambular paragraph of Mr. Bossuyt's text.

15. Mr. BOSSUYT said he appreciated the intention of Mr. Maxim's amendment, but believed that the statement was true in the context of events in Bosnia and Herzegovina where an attempt was being made to impose a settlement by force but could not be advanced as a general rule. He would prefer not to adopt the amendment.

16. Mr. MAXIM said that in drafting his amendment, he had had in mind the errors of the Second World War and the importance of avoiding similar errors in the twenty-first century. He believed that populations should be allowed to live where they were and that it was wrong to uproot them to create monolithic States. Historical developments had to be taken into account in protecting the interests of minorities.

17. Mr. BOSSUYT said he appreciated Mr. Maxim's arguments and shared his hostility to population transfer. There were, however, virtually monolithic States that had been created without population transfers. He believed that Mr. Maxim's amendment was an unduly sweeping generalization.

18. Mr. HATANO proposed a number of drafting changes in Mr. Bossuyt's text, in particular the use of the words "constitutional arrangements" throughout the text, which would mean replacing the word "agreement" by "arrangements". He also proposed the deletion of the word "independent" before the words "Republic of Bosnia and Herzegovina." In subparagraph (a), he proposed that the word "and", between "intervention" and "massive violations", should be replaced by "or".

19. Mrs. WARZAZI thought that Mr. Hatano's proposed drafting changes were excellent, with the exception of the substitution of "or" for "and". "And" was, she believed, essential. She asked Mr. Maxim to withdraw his amendment in view of the urgency of expressing the Sub-Commission's deep concern over the situation. The fact that the text comprised one paragraph more or less was not of great importance.

20. Mr. EIDE thought the best solution would be to adopt Mr. Bossuyt's text, which covered the most important points. Later in the session, the Sub-Commission might adopt a more comprehensive text, perhaps a resolution. While endorsing Mr. Maxim's comments, he believed that it was impossible to say everything in the Chairman's declaration and was willing to accept

Mrs. Attah's suggestion and withdraw his amendment conveying the Sub-Commission's encouragement to the Government of Bosnia and Herzegovina. If the Sub-Commission accepted Mr. Bossuyt's text as it stood, a broader consensus would be possible and adoption of the text would be easier.

21. Mr. HATANO commenting on Mrs. Warzazi's suggestion, explained that he had proposed the substitution of "or" for "and" in subparagraph (a) because aggression was always accompanied by violations, whereas violations could occur independently of intervention or aggression. He would not press the point.

22. The CHAIRMAN announced that Mr. Maxim had indicated he would not press his amendment. He wondered whether the sponsors could accept Mr. Hatano's amendment to substitute "arrangements", which was used in the first preambular paragraph, for "agreements" throughout the text.

23. Mr. EIDE said that the word "agreement" had been used in the title of the earlier draft statement and should be retained in the new version.

24. Mr. HATANO said he had nothing against the word "agreement". His proposal to use "arrangements" throughout the text had been made in the interests of uniformity.

25. Mr. BOSSUYT explained that "arrangements" had been used in the first preambular paragraph because the word was used in the Security Council resolutions referred to. On the other hand, the word "agreement" had been used during the negotiations, and should be retained elsewhere in the text.

26. The CHAIRMAN proposed that the Sub-Commission adopt the draft declaration without a vote.

27. The draft declaration was adopted without a vote.

28. The CHAIRMAN invited members wishing to do so to state their position on the declaration.

29. Mr. ALFONSO MARTINEZ asked that it should be recorded that he had not participated in the discussion on the draft declaration on Bosnia and Herzegovina adopted by the Sub-Commission because he had reservations about both the form and the content, in particular with regard to paragraph (b). Had the text been put to a vote, he would not have voted in favour. He asked that his views should be reported in the summary record.

30. Mr. CHERNICHENKO asked that the following sentence reflecting his position should be inserted in the Sub-Commission's report after the text of the declaration adopted: "Mr. Chernichenko said that he did not support the declaration on Bosnia and Herzegovina adopted by the Sub-Commission because: (a) the text dealt in large part with purely political questions; (b) it trespassed upon the jurisdiction of the Security Council; and (c) it could under certain circumstances encourage the continuation of the armed conflict in Bosnia and Herzegovina.

31. Mr. JOINET pointed out that the draft declaration had been discussed in the absence of observers for Bosnia and Herzegovina, Croatia and Serbia and that the text should be communicated to the permanent missions of the three countries.

32. The CHAIRMAN said that Mr. Alfonso Martinez's and Mr. Chernichenko's positions would be reported in the summary record. The text of the declaration adopted, which he read out, would be conveyed to the Secretary-General to the participants in the negotiations in progress and to the Government of Bosnia and Herzegovina.

33. Mrs. FORERO UCROS, speaking on agenda item 5 (b), said that over the past 20 years concrete activities had been conducted within the framework of the two United Nations decades for Action to Combat Racism and Racial Discrimination to end discriminatory practices and apartheid in South Africa. The changes in South Africa since 1989 had been enthusiastically greeted throughout the world and encouraging progress had been made towards democracy. Mrs. Attah's excellent report (E/CN.4/Sub.2/1993/11) gave an overview of the Sub-Commission's work to date on the transition to democracy in South Africa. The main obstacle to smooth democratization was, as Mrs. Attah rightly pointed out the endemic violence which had claimed so many victims. The transition to democracy was difficult. The key to stable democracy was the elimination of poverty and improvement of the living conditions of the population, particularly the most vulnerable sectors. Apartheid was deeply rooted in everyday life. Democratic structures were not enough. Social measures needed to be taken to ensure the preservation and stability of a democratic regime. The international community, through the United Nations and its agencies and organs, must continue to monitor the evolution of the situation in South Africa.

34. Mr. TIAN JIN said that Mrs. Attah's report on the transition to democracy in South Africa (E/CN.4/Sub.2/1993/11), although preliminary, was comprehensive and contained valuable information that accurately reported on the situation. While welcoming the gradual dismantling of apartheid, observers were understandably concerned by the extreme violence that continued and had even increased since the announcement of the date of the elections. The negotiations were threatened by two major difficulties: the activities of radicals on the right and left of the political spectrum and the absence of control over all the armed forces. As Mrs. Attah pointed out (para. 89), the process of change through peaceful negotiations was always difficult, and he approved her conclusions and recommendations aimed at facilitating the full democratization of South Africa. Mrs. Attah underscored the need to make every effort to ensure the involvement of all players in the negotiations. It was beyond question that the process under way in South Africa was irreversible, but no one knew what would happen after the elections. Vigilance was essential. Mrs. Attah stressed that it was the primary responsibility of the South African Government to maintain law and order, promote peaceful coexistence and protect lives and property and that the international community's role could only be complementary (para. 87). But he was convinced that moral suasion and concrete action by the United Nations as well as by the Organization of African Unity (OAU) continued to be of great importance. All United Nations bodies, including the Sub-Commission, should encourage the positive efforts being made in South Africa, condemn all acts

that hampered them and continue to monitor the situation. Mrs. Attah might focus on that point in her next reports. It was also essential that she should be able to visit South Africa to observe the transition process at first hand.

35. Mr. SACHAR congratulated Mrs. Attah on her excellent report. He noted with interest her reference to the dangers arising from the refusal of whites to renounce their political power in South Africa, an attitude that was typical of all former colonies. The report also mentioned the problem of inequality in the right to housing. He would like more detailed information on that matter in future reports.

36. The elimination of racism, racial discrimination and xenophobia was a priority task of the international community, as the World Conference on Human Rights had indicated. Racism was far from dead and was taking on new forms in various regions, particularly Europe. While publicly advocating tolerance and friendship among peoples, some European countries were adopting discriminatory policies against non-European immigrants. In France, for example, the country of liberty, equality and fraternity, Parliament had recently passed a law on immigration which would treat immigrants settled in France for many years as aliens, and residence permits could be denied to foreign parents of a child born in France. The law was clearly aimed at keeping out third world immigrants since it did not apply to European citizens. In other European countries there was a rise in racism, racial discrimination and xenophobia directed against immigrants and members of ethnic minorities. Neo-Nazi thinking was gaining ground in Germany, where for some time Turks had become the target of despicable attacks. It was impossible to remain silent in the face of such violations of human rights. Anti-semitism was resurgent in most parts of Europe. The situation was similar in the United States, where the Supreme Court had recently held that the Government could send refugees back to their countries, where they risked persecution, on the ground that the international treaty obligations concerning refugees applied only within the State and not in international waters. How, if that were the case, it might be asked could the United States arrogate to itself the right to arrest outside its frontiers alleged offenders under United States laws.

37. Even the Council of Europe's 1992 report on racial violence in Europe found increases in attacks on migrant workers, asylum-seekers, refugees and other vulnerable and displaced persons in France, Germany, Italy, the Netherlands, Sweden and the United Kingdom. Ethnocentrism, which was believed by some psychologists to be comparatively neutral, was taking on the character of hatred and becoming contaminated with racism. Current events in Bosnia and Herzegovina were a telling example of malignant ethnocentrism. Must that malignant tumour be allowed to grow until it was too late? Was there no remedy against malignant ethnocentrism? Hitherto, South Africa had been the only place in the world where racial discrimination was officially practised. That probably explained why the International Convention on the Suppression and Punishment of the Crime of Apartheid dealt exclusively with the problem of apartheid in South Africa. Perhaps the Convention should be made applicable to the new areas of racial violence and discrimination. A small step had been taken in that direction by the Commission on Human Rights which had decided in resolution 1993/20 to appoint for a three-year period, a special rapporteur on contemporary forms of racism, racial discrimination and

xenophobia and related intolerance, and requested the rapporteur to report to the Commission on an annual basis, beginning at its fiftieth session. It was ironical that while the rest of the world was hoping for the collapse of apartheid in South Africa, a new and more dangerous apartheid was raising its ugly head. The lessons of the past must be applied and action taken as rapidly as possible.

38. Mr. MEMMI (International Fellowship of Reconciliation) said that 30 years of research and reflection on racism had led him to propose a distinction between racism properly so called and what he called heterophobia, by which he meant the violent rejection of others, an extraordinarily common attitude. What was commonly referred to as racism in reality covered a magma of dubious notions. In the first place, it involved a monstrous violation of logic. The three postulates on which racist theory was based were fallacious. Pure races, if they had ever existed, did so no longer. Purity, if it had any meaning at all, especially in virology did not imply superiority, whether physical or intellectual. Finally, it was difficult to see why a given social category should enjoy eternal privileges based on its specific form.

39. In reality, racism was discourse, followed or preceded by behaviour designed to justify a profitable act of aggression. An act of aggression could only be legitimized by blaming the victim. He was attacked because he was different from us, because the difference was believed to be a threat, and because he was "fundamentally bad". Racism was the exploitation of a real or imaginary difference for the purpose of justifying a profitable act of aggression. In racism biological differences were accessory and contingent. In the absence of a biological difference, the racist fell back on psychological or cultural differences. Those were further reasons for denouncing racism, a concept based on the nation of race, whose absurdity was self-evident.

40. The phenomenon of racism was emotional, irrational, social, tradition-bound and, unfortunately, convenient and profitable. It had to be fought wherever possible. The first arena was probably the field of educational and culture. From nursery school through university to continuing education for the elderly, everyone should learn how to exorcise the fear of others. The educational struggle was slow and difficult and, it was necessary to fight in other arenas against injustice and pressures which were capable of engendering perverse ideologies.

41. Mr. PHEKO (Pan Africanist Congress of Azania (PAC)) said that items 5 (a) and 5 (b) were both relevant to the situation in South Africa. The country called "South Africa" by the colonialists on 20 September 1909, had been built upon colonialism and racism witness sections 35 and 44 and the preamble of the South Africa Act of 1909, adopted by the British parliament to fight the "native danger" and benefit from the discovery of diamonds in 1867 and gold in 1886.

42. Ninety per cent of the violence in South Africa was orchestrated by the South African regime through Battalions 31 and 32 and the Koevoet and other mercenaries. On 14 September 1991, when the so-called "National Peace Accord" had been signed, the President of the PAC, Mr. Makwetu, had demanded that all mercenaries in the country be expelled under United Nations and OAU

supervision, and that an international commission be established to investigate the source and cause of violence in South Africa. The De Klerk regime had rejected the proposal and appointed its own commission, the Goldstone Commission. The latter had been most interested in a few white victims and could not be an answer to the genocide against the victims of apartheid and colonialism in South Africa. Since then, violence had escalated. According to figures from the regime's parliamentary records, which were certainly too low, 20,135 Africans had been killed in 1992 alone. The international community was being misled into believing that the genocidal violence was the work of a mysterious "third force". In fact, many elements of the "third force" were known to belong to the structures of the South African regime. Why, he asked, had the "third force" not been pursued with the same vigour as African freedom fighters.

43. War was being waged against Africans in South Africa. The racist colonialist regime had a military budget of over 11 billion rand. According to information in his possession, members of the armed forces were being trained in two European countries, even though a number of NGOs had been lobbying their Governments to stop the training. The killing of Africans was part of a deliberate policy on the part of the South African regime to reduce the size of the African population. The massive recruitment of European immigrants, especially from Eastern Europe, served the same purpose. He stressed that PAC was not involved in the so-called "black-on-black" violence. The PAC, leadership had on many occasions approached the leaders of the African National Congress (ANC) and the Inkatha Freedom Party to mediate.

44. The time was not ripe to delete the reference in agenda item 5 (b) to colonialism. The South African regime continued to violate the airspace of African countries, to parachute weapons and to interfere in their internal affairs. PAC condemned all killing in South Africa, of whites and blacks alike. All life was sacred, and everyone in South Africa must enjoy equal protection and treatment.

45. Mrs. Forero Ucros took the Chair.

46. Mr. ZEF SIMONI (Observer for Albania) said that the Belgrade regime systematically violated the fundamental rights of the Albanian population of Kosovo. Threats, arbitrary arrests, torture and murder had become increasingly frequent. Since 1989, 118 Albanians had been murdered and 640 wounded by the police and Serb extremists. In economic matters Albanians were the victims of real segregation. Over 80 per cent of them had been deprived of their jobs by the Serb authorities, and over 120,000 families had been left without means of livelihood. The Serb authorities had banned all Albanian-language media and had not permitted the CSCE mission to continue its activity in Kosovo.

47. The Albanian Government was heartened by the fact that the international community, in particular the Commission on Human Rights, had repeatedly condemned the repression of Albanians in Kosovo by the Serb authorities. It hoped that more effective measures would be taken to end the violence and terror, which posed a threat to international peace and security in the region. The Albanian Government requested that the situation should be taken

up by the Security Council and all necessary measures taken to end the violence, including the re-establishment of an international presence in Kosovo and the intensification of sanctions against the Belgrade regime.

48. Mr. UCHE GWAM (Observer for Nigeria) said that sound analysis of the obstacles to the transition to democracy in South Africa would help achieve the complete dismantling of apartheid, but it was premature to delete the sub-item "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa" from the Sub-Commission's and Commission's agenda. The assistance given to the regime had strengthened its capability to threaten the peace of southern Africa and to fuel black-on-black violence. His delegation was much disturbed about increasing evidence of an involvement of elements within the police and the army in assassinations and massacres, especially in the province of Natal.

49. With regard to measures to combat racism and racial discrimination and the role of the Sub-Commission, his delegation was of the view that the Sub-Commission should continue to call on the Commission and the General Assembly to consider measures to ensure that all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination fulfilled their obligations. It believed that the appointment for a three-year period of a special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance was very useful.

50. With regard to the question of monitoring the transition to democracy in South Africa, he thanked Mrs. Attah for her balanced report (E/CN.4/Sub.2/1993/11), in which she rightly stressed that it was the primary responsibility of the South African Government to maintain law and order, promote peaceful coexistence and protect lives and property, that it was the duty of every citizen to contribute to that peace and that the role of the international community in the establishment of a democratic, non-racial South Africa, where the fundamental human rights of citizens were promoted and protected, could, of course, only be complementary to those of various political groups in the country.

51. His delegation wholeheartedly endorsed the observations and recommendations of the Special Rapporteur in paragraphs 87 to 92. In particular, international experts should be identified to participate in the practical preparations for the elections, as well as to observe them, and the international community, through the United Nations regional multilateral organizations or on the bilateral level, should start preparations for massive assistance to address the economic and social disparities resulting from the long practice of institutionalized racism. He hoped Mrs. Attah would be able to visit South Africa as she wished for an on-the-spot familiarization with the transition process, on which the enjoyment of the fundamental human rights of the entire population hinged.

52. Mr. GIAN NATH (Observer for Mauritius) commended Mrs. Attah on behalf of the African Group for the quality of ner preliminary report on monitoring the transition to democracy in South Africa. The monitoring, in which the international community participated through the European Community, OAU and

the United Nations, could only be meaningful in an atmosphere of peaceful political activities. But South Africa was facing daily violence. The African Group was convinced that the South African regime continued to receive political, military and economic assistance from abroad and that that support might well lead to the breakdown of the political dialogue that was meant to lead to general elections in April 1994. Thus, the African Group would regard as a slap in the face the definitive deletion of agenda item 5 (b), "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa" from the draft agenda (E/CN.4/Sub.2/1993/1). It had no objection to the introduction of the new agenda item entitled "Monitoring the transition to democracy in South Africa". Recalling that Mrs. Attah's report was preliminary, he deplored in conclusion that the South African regime had refused to issue her a visa, thus forcing her to write the report from afar.

53. Mr. PAK DOK HUN (Observer for the Democratic People's Republic of Korea) said that recent events in South Africa as reported on in document E/CN.4/Sub.2/1993/11 gave reason to believe that the democratization process had begun, thanks among other things, to United Nations efforts to put an end to apartheid. The multiparty constitutional forum's decision to hold the first non-racial general elections on 27 April 1994 was an important step towards eliminating racial discrimination and apartheid. Politically-motivated violence might, however, derail the transition to democracy if it was not checked by all means. The intrigues of those who wished to create a white State, and in particular the Afrikaner Volksfront (African People's Front) and the "Committee of Generals" posed a serious threat to the unity of South Africa. The assassination of the General-Secretary of the South African Communist Party by a right-wing militant was a dramatic example of the country's socio-political instability. Economic and social inequalities also constituted an impediment to the reform process. The unemployment rate was 4 per cent for whites and 25 per cent for blacks, and 60 per cent of the black population lived below the poverty line.

54. The international community must utilize every possible means to promote the reform process in South Africa and should refrain from taking any unproductive or premature actions that might compromise the process. In particular, it must address the socio-economic disparities caused by apartheid. It should also take effective measures to combat the new forms of racism and xenophobia directed against the colonial population in other parts of the world, particularly in Europe. His country would faithfully fulfil its international obligations with regard to combating racial discrimination and apartheid.

55. Mrs. Andrée FARHI (International Council of Jewish Women) said that despite the efforts of the United Nations there had been a resurgence of racism that found expression in such acts as the slaughter of civilians in Bosnia in the name of "ethnic purity" and the murder of young Turkish girls, who had been killed as they slept, simply because they had not been born German. Racism was difficult to combat, in part because it took such a variety of forms. Those forms were not equally important. It was important to distinguish between the various levels of racism and its diverse origins. Sporadic, low-level racism with no real agenda, for example, should not be

equated with the dangerous activities of extremist parties to which, unfortunately, a certain degree of respectability had sometimes been accorded as in France.

56. The contention that racism was due to economic factors was only partly valid. It was true that some parties had no compunction about blaming immigrant workers and foreigners for economic difficulties. But it was also true that some trends were the fault of anti-racist movements. Some of the latter had tended to cultivate cultural and moral relativism since the 1970s and to laud ethnic differences. Racist groups had taken up the idea and had developed a sudden respect for cultural differences and an anti-universalism, represented as the sole foundation of political tolerance. In Europe the far right proclaimed that all peoples were different, the predetermined product of their cultural structures. It followed that outsiders could not be assimilated. Their values were incompatible with those of the native inhabitants. How then could they be given the same rights?

57. The question of racism and xenophobia could not be divorced from the question of minorities, the right to self-determination and religious fanaticism. Minorities were the first victims of xenophobia and racism. Consideration of the individual and collective rights of minorities should be a priority concern. As to the right to self-determination, a people that saw itself as a people should have the right freely to determine its course, as long as it showed it was capable of establishing a truly democratic State based on the rule of law which would not exclude its own minorities. There were many small "countries" that asserted their right of self-determination only in order to achieve senseless ethnic homogeneity and get rid of their "foreign" populations. Religious fanaticism and fundamentalism were often a major ingredient in racism. From time immemorial, hate had been engendered by religions that were not properly understood or used as instruments of political domination.

58. Her organization supported the Vienna Declaration although it regretted that the declaration did not mention anti-semitism as a form of racism. She hoped the Sub-Commission would not ignore the phenomenon of anti-semitism at its current session.

REVIEW OF THE WORK OF THE SUB-COMMISSION (agenda item 3) (continued)

59. Mr. ALFONSO MARTINEZ said that in resolution 1993/28 the Commission on Human Rights had invited the Sub-Commission "to continue its consideration of ways in which its work should be improved with a view to making recommendations on the following points:

(a) Initiatives for a better coordination with the Commission on Human Rights and the other competent organs of the United Nations acting in the field of human rights;

(b) Further strengthening the independence of its experts;

(c) Proposals concerning the rationalization of the agenda, bearing in mind, inter alia, the relationship between the agenda of the Sub-Commission and that of the Commission on Human Rights;

(d) Initiatives which would facilitate the widest possible dissemination of the findings of the Sub-Commission, such as the preparation of a short summary of each completed study, the purpose being that the summaries of all studies completed during a session should be published separately in various languages, for example in the Fact Sheet series of the Centre for Human Rights, thus contributing to better publicity for the studies;

(e) Developing a programme of familiarization with the work of the Sub-Commission for new members and alternates, in particular by providing them in good time with a wide variety of documents of the Sub-Commission and other information material."

60. He believed that coordination with the Commission had improved over the past two or three years. The Commission was beginning to develop a better understanding of the role the Sub-Commission could play and the nature of the relations that should exist between the two bodies. The tension between them that seemed to have built up appeared to have diminished recently, in large part because the Sub-Commission had been able to accommodate itself to the Commission's proposals and recommendations. The Sub-Commission had not, however, yet explored all the possibilities of contributing to the Commission's work, including not only the submission of specific draft resolutions but also the substantive analysis of particular issues in order to lighten the Commission's workload.

61. Turning to the draft proposal submitted by Mr. Chernichenko on the methods of consideration of violations of human rights in the Sub-Commission (E/CN.4/Sub.2/1992/Add.1), he agreed with Mr. Chernichenko that references to human rights violations in specific countries in the deliberations under other agenda items should be kept to a minimum. In that connection, a balance had to be maintained between the right of non-governmental organizations to express their concerns and the need to make the best use of the Sub-Commission's time. A reference to a single country must not develop into a systematic study. It would also be reasonable to refrain from adopting resolutions concerning situations in specific countries if those situations were the subject of consideration in closed meeting in accordance with Economic and Social Council resolution 1503 (XLVIII). As for Mr. Chernichenko's third proposal, that the Sub-Commission should refrain from adopting resolutions on countries whose situations were being studied by a special rapporteur of the Commission on Human Rights, he thought the scope of the proposal might be broadened by referring to studies carried out under a special machinery established by the Commission. As regarded the fourth proposal, he believed the Sub-Commission should proceed cautiously and not change its methods of work too quickly.

62. The CHAIRMAN asked if Mr. Alfonso Martinez had specific proposals to make.

63. Mr. ALFONSO MARTINEZ said he was available for consultations with other members of the Sub-Commission with a view to developing formal proposals.

The meeting rose at 6 p.m.